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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,499	03/23/2004	Eric J. Streciwilk	380-176	2776
1009 7590 KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			EXAMINER SNIDER, THERESA T	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,499

Applicant(s)

STRECIWILK, ERIC J.

Examiner

Theresa T. Snider

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,12,13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 18-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 2, 'said at least one connector' lacks proper antecedent basis.

Claim 17, line 2, 'said at least one mounting lug' lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 3, 7-8, 12-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tschudy(Re. 31,095) in view of McCormick(6,289,552).

Tschudy discloses a nozzle assembly including a housing defining an agitator cavity (fig. 1, #18).

Tschudy discloses connection of the nozzle assembly to a main suction body (col. 1, lines 45-46). McCormick discloses a floor cleaning apparatus having a canister assembly(main suction body) connected to a nozzle assembly, a suction generator carried by one of the nozzle assembly and canister assembly and a dirt collection vessel carried by one of the nozzle assembly and canister assembly (fig. 1, #18,33,34). It would have

been obvious to one of ordinary skill that Tschudy would require the canister assembly(main suction body) connected to a nozzle assembly, a suction generator carried by one of the nozzle assembly and canister assembly and a dirt collection vessel carried by one of the nozzle assembly and canister assembly, as disclosed in McCormick et al., so that it would be a complete, operational floor cleaning apparatus.

Tschudy discloses an agitator fitting received in the cavity, including a cooperating air guide and conduit, the conduit defining an intake port and means for mounting the fitting in the nozzle assembly(fig. 8, #28, air guide: #44, conduit:#46, fig. 3, intake port: #60, means for mounting: numbered tabs above #50 and below #68, fig. 2, #32).

With respect to claims 3, 7 and 15, Tschudy discloses at least one mounting lug (fig. 8, unnumbered tabs above #50 and below #68, fig. 2, #32).

With respect to claim 4, Tschudy discloses at least one aperture receiving the lug (col. 2, line 66-col. 3, line 2; aperture needs to be present in nozzle assembly to accept screw and lug).

With respect to claims 5 and 16, Tschudy discloses the fitting having at least one connector (col. 3, lines 7-14 OR with there being 2 brackets, 1 is the means for mounting and one is the connector).

With respect to claims 6 and 17, Tschudy discloses the housing having at least one receiver for the mounting lug and at least one slot for the connector (col. 2, line 66-col. 3, line 2; aperture needs to be present in nozzle assembly to accept screw and lug).

With respect to claim 12, Tschudy discloses the air guide partially lining the agitator cavity (fig. 3, #44,58).

Double Patenting

5. Applicant is advised that should claim 3 be found allowable, claim 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). **It is noted that when claim 7 was written into independent form it was written to have 'at least one mounting lug' HOWEVER original claim 7 had 'at least one connector'.**

Allowable Subject Matter

6. Claims 9-11 and 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Theresa T. Snider/
Primary Examiner, Art Unit 3723

Theresa T. Snider
Primary Examiner
Art Unit 3723

1/11/2008